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December 14, 2020

Via ECF

Hon. Frank P. Geraci, Jr.
Chief U.S. District Judge
U.S. Courthouse
100 State Street
Rochester, NY 14614

Re: ***Horn v. Medical Marijuana, Inc., et al.***
Case No: 15-CV-701 (FPG-MJR)

Dear Judge Geraci:

This office represents Plaintiff in this matter.

I just received the MMI Defendant's Reply papers, with the other Defendant's I assume coming today. There are approximately 10 separate headings therein to which Plaintiff should respond. This motion is as to critical issues of evidence and will chart the course for the trial of this matter. As such, I respectfully request of the Court leave to file a Sur-Reply to these papers by January 15, 2021.

Second, as directed by the Court in its Text Order of October 7, 2020, I reached out to defense counsel on October 7 and then again on October 29, 2020 in an attempt to agree to a trial date with both defense counsel, as well as attempt to set a date for the Court-mandated mediation of this matter. To date, I have heard nothing from either defense counsel.

Your Honor ordered we come to an agreement as to a date before August, 2021 since defense counsel was not available for the Court's dates in May or June, 2021.

Lastly, I understand that Your Honor has halted jury trials in the Western District until February. I therefore must respectfully request how this will impact the Horn case as I continue to attempt to obtain an agreement with the defense as to trial and mediation dates.

Thank you for Your Honor's consideration to this request.

Very truly yours,

Jeffrey Benjamin

Jeffrey Benjamin, Esq.

cc: All parties via *ECF*
